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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/492,032	01/27/2000	Troy D. Acton	HILB/682	9365

7590 12/18/2001

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EXAMINER

MILLER, WILLIAM L

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 12/18/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/492,032	ACTON ET AL.
	Examiner William L. Miller	Art Unit 3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 25 September 2001.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-47 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 16,18,20-25,27 and 32-42 is/are allowed.

6) Claim(s) 1-15,17,19, 26,28-31 and 43-47 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 25 September 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No: \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)  
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) Other: \_\_\_\_\_

*Drawings*

The corrected or substitute drawings, namely corrected and substitute Fig. 1, were received on 09-25-01. These drawings are approved by the examiner.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biondo et al. (US#5727291) in view of Estes (US#4962574), and further in view of Shanks (US#3680941).
2. Regarding claim 1, Biondo et al. discloses in Figs. 11-13 a casket comprising: a shell (402) and at least one cap (406) having confronting flanges; a memorabilia compartment (412) including an access opening (440) and an interior; and a removable cover (410).
3. Biondo et al. fails to disclose a first gasket between the confronting flanges as claimed by the applicant. Estes discloses a casket comprising a shell (12) and at least one cap (16) having confronting flanges wherein a gasket (42) therebetween provides a seal therebetween. Therefore, as taught by Estes, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the casket of Biondo et al. to include a gasket between the confronting flanges thereby providing a seal therebetween.

4. Biondo et al. fails to disclose a second gasket between the cover (410) and the cap (406) as claimed by the applicant. Shanks discloses a drawer assembly for protecting the contents therein wherein a gasket (33) is positioned between the "cap" (20) and the "cover" (37) thereby providing a seal therebetween. Therefore, as taught by Shanks, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the casket of Biondo et al. to include a gasket between the cap and the cover thereby providing a seal therebetween.

5. Regarding claim 2, according to col. 10, lines 42-47, Biondo et al. discloses the casket can be a full top casket having a single full length cap.

6. Regarding claim 3, the Biondo et al. casket includes a head end cap (404) and a foot end cap (406).

7. Regarding claims 4 and 5, Biondo et al. discloses the cover (410) as a face plate (428) of drawer (410).

8. Regarding claim 6, Biondo et al. fails to disclose a third gasket between head end cap (404) and foot end cap (406) as claimed by the applicant. Estes discloses the head end cap (14) and foot end cap (16) including a gasket (48) therebetween to provide a seal therebetween. Therefore, as taught by Estes, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the casket of Biondo et al. to include a gasket between the head and foot end cap to provide a seal therebetween.

9. Regarding claims 7-9, Biondo et al. discloses the drawer (410) being movably mounted in the access opening (440) in header wall (420) of the foot end cap (406).

10. Regarding claim 10 and as discussed previously with regards to claim 1, Biondo et al. fails to disclose a gasket positioned between the cover (410) and cap (406), specifically a gasket

positioned against an outside surface of header wall (420) and around access opening (440).

Shanks teaches the gasket (33) being positioned against an outside surface of "header wall" (29-31) and around the access opening therein thereby providing a seal between the "cover" (37) and "cap" (20). Therefore, as taught by Shanks, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the casket of Biondo et al. such that the gasket was positioned against an outside surface of the header wall and around the access opening thereby providing a seal between the cover and cap.

11. Regarding claim 11, Biondo et al. discloses a drawer support (416,418) mounted from the inside surface of header wall (420) of foot end cap (406) via brackets (442).

12. Regarding claim 19, Biondo et al. discloses a latch mechanism (470).

13. Claims 12-15 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biondo et al. in view of Estes, in view of Shanks as applied to claim 1 above, and further in view of Shank (US#2937765).

14. Biondo et al. discloses the drawer support (416,418) being mounted via brackets (442) wherein the drawer (410) slidably engages drawer support portion (416) via a tongue and groove arrangement as opposed to the drawer support being an open-ended C-shaped channel having a drawer stop and being mounted on each lateral side thereof via a pair of C-shaped brackets wherein each bracket includes a longer leg and a shorter leg as claimed by the applicant. Shank discloses a cabinet having a slideable drawer assembly wherein the drawer support is an open-ended C-shaped channel (36) having a drawer stop means at the flared rear end thereof and being mounted on each lateral side thereof via a pair of C-shaped brackets (12,14) wherein each

bracket includes a longer leg (16) and a shorter leg (26). The open-ended C-shaped channel (36) provides smooth, limited sliding engagement between the channel (36) and the drawer (46), while the brackets (12,14) each having a longer leg (16) and a shorter leg (26) allows the brackets to be reversible side-to-side of the channel (36) and end-to-end of the bracket (12,14). Therefore, as taught by Shank, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the casket of Biondo et al. such that the drawer support included an open-ended C-shaped channel having drawer stop means and was mounted on each lateral side thereof via a pair of C-shaped brackets wherein each bracket included a longer leg and a shorter leg. The open-ended C-shaped channel with drawer stop means thus providing enhanced sliding engagement between the channel and the drawer, while the brackets each having a longer leg and a shorter leg would enable the brackets to be reversible side-to-side of the channel and end-to-end of the bracket.

15. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Biondo et al. in view of Estes, in view of Shanks, in view of Shank as applied to claim 12 above, and further in view of Saaf (US#5678289).

16. Biondo et al. fails to disclose the drawer (410) being spring biased outwardly as claimed by the applicant. Saaf discloses a casket including a drawer (40) slidably received in foot end cap (16) and biased outwardly via spring (92) thereby facilitating the outward movement thereof. Therefore, as taught by Saaf, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the casket of Biondo et al. such that the drawer was outwardly spring biased thereby providing a simpler means of its outward movement.

17. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biondo et al. in view of Lee (US#5152161).

18. Biondo et al. fails to disclose a cam operable on an inside surface of the header wall to draw the cover (drawer) thereto as claimed by the applicant. Lee discloses a cabinet 2 and sliding drawer 6 received therein wherein cam 44 is operable on an inside surface of cabinet wall 4 to draw the drawer thereto. Therefore, as taught by Lee, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the drawer assembly of Biondo et al. to include a cam operable to draw the drawer into the header wall and effectively secure it thereto.

19. Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biondo et al. in view of Lee as applied to claim 28 above, and further in view of Shanks.

20. As discussed previously, Biondo et al. fails to disclose a gasket between the cover (410) and the cap (406) as claimed by the applicant. Shanks discloses a drawer assembly for protecting the contents therein wherein a gasket (33) is positioned between the "cap" (20) and the "cover" (37) thereby providing a seal therebetween. Therefore, as taught by Shanks, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the casket of Biondo et al. to include a gasket between the cap and the cover thereby providing a seal therebetween.

21. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Biondo et al. in view of Shanks.

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22. As discussed previously, Biondo et al. fails to disclose a gasket between the cover (410) and the cap (406) as claimed by the applicant. Shanks discloses a drawer assembly for protecting the contents therein wherein a gasket (33) is positioned between the "cap" (20) and the "cover" (37) thereby providing a seal therebetween. Therefore, as taught by Shanks, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the casket of Biondo et al. to include a gasket between the cap and the cover thereby providing a seal therebetween.

23. Claims 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biondo et al. in view of Shanks as applied to claim 43 above, and further in view of Lee.

24. As discussed previously, Biondo et al. fails to disclose a latching mechanism to move the cover to the header wall as claimed by the applicant. Lee discloses a cabinet 2 and sliding drawer 6 received therein wherein a latching mechanism 44 is operable on an inside surface of cabinet wall 4 to draw the drawer thereto. Therefore, as taught by Lee, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the drawer assembly of Biondo et al. to include a latching mechanism to draw the drawer into the header wall and effectively secure it thereto.

25. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Biondo et al. in view of Saaf, and further in view of Shanks.

26. As discussed previously, Biondo et al. fails to disclose the drawer (410) being spring biased outwardly as claimed by the applicant. Saaf discloses a casket including a drawer (40)

slidably received in foot end cap (16) and biased outwardly via spring (92) thereby facilitating the outward movement thereof. Therefore, as taught by Saaf, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the casket of Biondo et al. such that the drawer was outwardly spring biased thereby providing a simpler means of its outward movement.

27. Further, as discussed previously, Biondo et al. fails to disclose a gasket positioned between the cover (410) and cap (406), specifically a gasket positioned against an outside surface of header wall (420) and around access opening (440). Shanks teaches the gasket (33) being positioned against an outside surface of "header wall" (29-31) and around the access opening therein thereby providing a seal between the "cover" (37) and "cap" (20). Therefore, as taught by Shanks, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the casket of Biondo et al. such that the gasket was positioned against an outside surface of the header wall and around the access opening thereby providing a seal between the cover and cap.

28. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Biondo et al. in view of Saaf, in further view of Shanks, as applied to claim 46 above, and further in view of Lee.

29. As discussed previously, Biondo et al. fails to disclose a latching mechanism to move the cover to the header wall as claimed by the applicant. Lee discloses a cabinet 2 and sliding drawer 6 wherein latching mechanism 44 is operable on an inside surface of cabinet wall 4 to draw the drawer thereto. Therefore, as taught by Lee it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the drawer assembly of

Biondo et al. to include a latching mechanism to draw the drawer into the header wall and effectively secure it thereto.

*Allowable Subject Matter*

30. Claims 16, 18, 20-25, 27, and 32-42 are allowed.

*Response to Arguments*

31. Regarding claim 1, the applicant argues the Biondo et al. and Shanks are nonanalogous art. It has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, although Biondo et al. and Shanks are not of the same field of endeavor, they are from a similar problem solving area of drawer assemblies slidably received within a housing. Therefore, the combination is deemed proper.

*Conclusion*

32. Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is 703 305 3978. The examiner can normally be reached on Monday-Thursday.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1113.

William L. Miller  
Examiner  
Art Unit 3628

wlm  
December 13, 2001

  
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